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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/722,821

11/25/2003

Andreas Wiesmuller

026970-007510US

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20350 7590 07/21/2008  
TOWNSEND AND TOWNSEND AND CREW, LLP  
TWO EMBARCADERO CENTER  
EIGHTH FLOOR  
SAN FRANCISCO, CA 94111-3834

EXAMINER

LEVINE, ADAM L

ART UNIT

PAPER NUMBER

3625

MAIL DATE

DELIVERY MODE

07/21/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10722821	11/25/2003	WIESMULLER ET AL.	026970-007510US

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**EXAMINER**

ADAM LEVINE

ART UNIT	PAPER
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3625	20080717
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DATE MAILED:

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**Commissioner for Patents**

**Notice of Non-Responsive Amendment-Bona fide Attempt**

The amendment filed on April 7, 2008, canceling all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). The remaining claims are not readable on the elected invention because the claims are now drawn to a data processing and communication method and computer program product comprising receiving subscription information from at least one user including an agreement to receive offers, and providing an offer not in response to a request, selection, or identification for a service.. The original claims were drawn to a data processing and communication method and computer program product comprising receiving a selection of a service offered by a provider, the service selected by the at least one user. These inventions are separate and distinct because the original invention comprised receiving a selection of a service selected by a user, while the new invention comprises receiving subscription information and providing an offer that is not in response to a request, selection, or identification for a service. Had these inventions been initially filed together, a requirement for election/restriction would have resulted.

Since the above-mentioned amendment appears to be a bona fide attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

/Jeffrey A. Smith/  
Supervisory Patent Examiner, Art Unit 3625